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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,547	09/29/2003	Hidehiko Kameyama	Q77532	6222
23373 7590 02/14/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER AU, GARY	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/14/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/671,547

Applicant(s)

KAMEYAMA, HIDEHIKO

Examiner

Gary Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 8, 10, 12-14, 16, 19, 21 and 23-25 is/are rejected.
- 7) ☐ Claim(s) 4, 6, 7, 9, 11, 15, 17, 18, 20 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's arguments with respect to claims 1, 8, 12, 19, 23 and 24 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 5, 8, 10, 12-14, 16, 19, 21 and 23-25 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,865,386 Aoyama et al. (Aoyama).

Considering claim 1, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character upon occurrence of an event in the set (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) corresponding to the

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event, wherein prior to the occurrence of said event said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 8, Aoyama teaches a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: character presentation means (control unit 4 – figure 1, col. 4 lines 27-55) for controlling animation display of said character upon occurrence of an event on the set (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information (col. 4 line 56 – col. 5 line 5) corresponding to said event and further depending upon an occurrence timing of a predetermined operation relating to said event, wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 12, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step of controlling animation display of said character upon occurrence of an event in the set (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history

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information corresponding to said event (col. 4 line 56 – col. 5 line 5), wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 19, Aoyama teaches a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), comprising: step responsive to occurrence of an event on the set of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information and further depending upon an occurrence timing of a predetermined operation relating to said event (col. 4 line 56 – col. 5 line 5), wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 23, Aoyama teaches a storage medium storing a program to cause a computer to implement functions of a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), said functions comprising: operating a computer for executing a process of controlling animation display of said character

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(col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information corresponding to an event upon occurrence of the event in the set (col. 4 line 56 – col. 5 line 5) wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 24, Aoyama teaches a storage medium storing a program to cause a computer to implement functions of a character display presentation method of a cellular telephone set capable of performing animation display of any one of a stored plurality of characters (figure 1, col. 4 lines 15-26), said functions comprising: operating a computer for executing a process responsive to occurrence of an event on the set, of controlling animation display of said character (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information depending upon an occurrence timing of a predetermined operation relating to said event (col. 4 line 56 – col. 5 line 5) wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claim 25, Aoyama teaches a mobile communication device capable of performing animation display of any one of a stored plurality of characters (figure 1,

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col. 4 lines 15-26), comprising: a control circuit (control unit 4 – figure 1, col. 4 lines 27-55) for controlling character animation display of said character upon occurrence of an event (col. 5 lines 41-67, where a sequence of images is known as animation) depending upon history information corresponding to said event (col. 4 line 56 – col. 5 line 5), wherein prior to the occurrence of said event, said character is not related to said occurring event (col. 6 lines 27-33, wherein Aoyama teaches that the character displayed can be random and that the character would not be associated with the event prior to the occurrence).

Considering claims 2 and 13, Aoyama teaches character presentation means controls animation display of said character depending upon a timing of occurrence of a predetermined operation associated with said event on the basis of said history information (figure 3, col. 5 lines 41-67 and col. 6 lines 47-56, where the image is accompanied with the message and displayed).

Considering claims 3 and 14, Aoyama teaches character presentation means controls animation display of said character so as to differentiate patterns depending upon number of accumulation of telephone numbers of counterpart of call in said history information (figure 6A-6C, col. 9 line 37 – col. 10 line 12 and col. 6 lines 47-56).

Considering claims 5, 10, 16 and 21, Aoyama teaches character presentation means controls animation display of said character depending upon particular date and

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time information preliminarily set in a schedule function (figure 9, col. 11 line 47 – col. 12 line 26).

***Allowable Subject Matter***

4. Claims 4, 6, 7, 9, 11, 15, 17, 18, 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822.

The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA

  
LESTER G. KINCAID  
SUPERVISORY PRIMARY EXAMINER